

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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IN RE SEPTEMBER 11TH LITIGATION

and

IN RE SEPTEMBER 11TH PROPERTY DAMAGE
AND BUSINESS LOSS LITIGATION

Civil Nos.
21 MC 97 (AKH)
21 MC 101 (AKH)

THIS DOCUMENT RELATES
TO: 03 CV 7083 (AKH)
03 CV 7084 (AKH)

Nassaney, et al. v. United Air
Lines, Inc., et al.

Sanchez v. United Air Lines,
Inc., et al.

NOTICE OF MOTION

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PLEASE TAKE NOTICE that defendants United Air Lines, Inc., UAL Corporation and Huntleigh USA Corporation (collectively "Defendants") will move this Court upon the accompanying declaration and memorandum of law, at a date and time to be set by the Court, at the United States Courthouse, 500 Pearl Street, New York, New York, for orders (i) approving the agreement entered into by plaintiffs Patrick John Nassaney, Sr. and Margaret M. Nassaney and Defendants, settling the claims asserted in *Nassaney, et al. v. United Air Lines, Inc., et al.*, 03 CV 7083 (AKH) and the agreement entered into by plaintiff Felicita Maria Sanchez and Defendants, settling the claims asserted in *Sanchez v. United Air Lines, Inc., et al.*, 03 CV 7084 (AKH) (the "Settlements"); (ii) entering final judgment pursuant to Rule 54(b) of the Federal Rules of Civil Procedure; (iii) ruling that the liability limitation contained in section 408(a)(1) of

the Air Transportation Safety and System Stabilization act applies to the Settlement amounts; and (iv) dismissing the Complaints in *Nassaney, et al. v. United Air Lines, Inc., et al.*, 03 CV 7083 (AKH) and *Sanchez v. United Air Lines, Inc., et al.*, 03 CV 7084 (AKH) with prejudice as to all Defendants.

Dated: New York, New York
December 19, 2007

Respectfully submitted,
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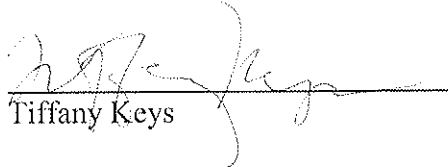
AFFIDAVIT OF SERVICE

STATE OF NEW YORK)
) ss.:
COUNTY OF NEW YORK)

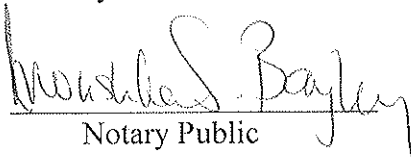
Tiffany Keys, being duly sworn, deposes and says that deponent is not a party to the action, is over 18 years of age and resides in New York, New York and that on the 19th day of December 2007, deponent served the within **NOTICE OF MOTION; DECLARATION OF JEFFREY J. ELLIS; and MEMORANDUM OF LAW IN SUPPORT OF DEFENDANTS' MOTION FOR AN ORDER: (1) APPROVING THE SETTLEMENTS; (2) ENTERING FINAL JUDGMENT PURSUANT TO RULE 54(b) OF THE FEDERAL RULES OF CIVIL PROCEDURE; (3) RULING THAT THE LIABILITY LIMITATION CONTAINED IN SECTION 408(a)(1) OF THE AIR TRANSPORTATION SAFETY AND SYSTEM STABILIZATION ACT APPLIES TO THE SETTLEMENT AMOUNTS; AND (4) DISMISSING THE COMPLAINTS WITH PREJUDICE** upon:

1. Desmond T. Barry, Jr. – Aviation Defendants' Liaison Counsel;
2. Marc S. Moller – Wrongful Death and Personal Injury Plaintiffs' Liaison Counsel;
3. Donald A. Migliori – Wrongful Death and Personal Injury Plaintiffs' Liaison Counsel;
4. Robert A. Clifford – Property Damage and Business Loss Plaintiffs' Liaison Counsel;
5. Richard A. Williamson – Ground Defendants' Liaison Counsel;
6. Beth D. Jacobs – WTC 7 Ground Defendants' Liaison Counsel;
7. Beth Goldman – U.S. Attorneys' Office; and
8. All Aviation Defendants.

by emailing a copy of the papers to the attorneys in accordance with the Court's March 10, 2005 Order.


Tiffany Keys

Sworn to before me this
19th day of December 2007


Notary Public

ANOUSHKA SHARIFI BAYLEY
Notary Public, State of New York
No. 02SH5053359
Qualified in Westchester County
Commission Expires December 18, 2010 *Jan 9, 2010*